

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TAMMAR CANCER,

Petitioner,

vs.

**No. 07-CV-808
(TJM/RFT)**

ROBERT ERCOLE,

Respondent.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

Pro se Petitioner Tammar Cancer brings this Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, on the grounds of (1) ineffective assistance of trial counsel; and (2) ineffective assistance of appellate counsel. The Petition was referred to the Hon. Rondolph F. Treece, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation dated February 5, 2010 recommended that (1) that the Petition for a Writ of Habeas Corpus be denied; and (2) because Petitioner has not made a “substantial showing of the denial of a constitutional right” pursuant to 28 U.S.C. § 2253(c)(2), no certificate of appealability should be issued with respect to any of Petitioner’s claims. See 28 U.S.C. § 2253(c)(2). No objections to the Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or

manifest injustice. Accordingly, this Court adopts the Report-Recommendation of Magistrate Judge Treece for the reasons stated therein.

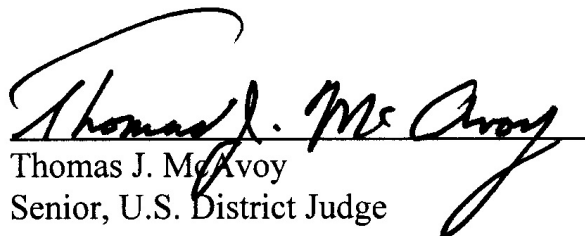
It is therefore

ORDERED that Petitioner's motion for a Writ of *Habeas Corpus* is **DENIED**.

Further, no certificate of appealability will be issued with respect to any of the Petitioner's claims.

IT IS SO ORDERED.

Dated: April 29, 2010


Thomas J. McAvoy
Senior, U.S. District Judge